

MONDAY, MAY 14, 2001

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Ridgeway.

Representative Ridgeway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Baird; personal reasons.

Representative Johnson; illness.

Representative Wood; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 135: Rep(s). Ford and Montgomery as prime sponsor(s).

House Bill No. 565: Rep(s). Beavers, Sargent, Rowland and Bowers as prime sponsor(s).

House Bill No. 1127: Rep(s). McKee and Roach as prime sponsor(s).

House Bill No. 1911: Rep(s). McDaniel, Davis (Cocke), Whitson, Montgomery, Phillips and Bone as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK
May 11, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 384, 470, 784, 914, 1039, 1089, 1177, 1182, 1309, 1374, 1409, 1576, 1620; also, House Joint Resolution(s) No(s). 325, 326, 328, 329, 330, 332, 334, 336 and 338.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 14, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 249, 250, 252 and 310; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 249 -- Memorials, Professional Achievement - Michael L. Bowman, Dyersburg High School Teacher of the Year. by *Herron.

Senate Joint Resolution No. 250 -- Memorials, Interns - April Harriman. by *Wilder, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Williams.

Senate Joint Resolution No. 252 -- Memorials, Recognition - Gus's World Famous Fried Chicken and Bonner Family. by *Wilder, *Cohen.

Senate Joint Resolution No. 310 -- Memorials, Personal Achievement - Tina Wesson, Survivor of Australian Outback. by *Atchley, *Burchett, *Atchley, *Burks, *Blackburn, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Reps. Williams and Sargent were recognized in the Well to introduce Alderman Doug Langston, for remarks.

RULES SUSPENDED

Rep. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 372 out of order, which motion prevailed.

House Joint Resolution No. 372 -- Memorials, Retirement - Doug Langston. by *Williams (Williamson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes93
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 83 -- Basic Education Program (BEP) - Confirms proposed changes in the basic education program dealing with funding for English as a Second Language (ESL) program. by *Winningham, *Arriola, *Brown.

Held on House Desk

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 16, 2001:

House Resolution No. 84 -- Memorials, Interns - Mark Andrew Bush. by *Kent, *Scroggs.

House Resolution No. 86 -- Memorials, Recognition - Overseer Alice C. Catron. by *Jones U (Shelby).

House Resolution No. 87 -- Memorials, Recognition - Bishop Donald H. Jennings, Jr. by *Jones U (Shelby).

House Resolution No. 88 -- Memorials, Recognition - Dean Relando Greene Lee. by *Jones U (Shelby).

House Joint Resolution No. 373 -- Memorials, Interns - Bairthina Denise Wilson. by *Bowers.

House Joint Resolution No. 374 -- Memorials, Academic Achievement - Andrea Lynn Crouse, Salutatorian, Gateway Christian School. by *Kisber.

House Joint Resolution No. 376 -- Memorials, Retirement - Susan Burns Greer. by *Rhinehart.

House Joint Resolution No. 377 -- Memorials, Recognition - William A. "Toopie" Cammuse. by *Bone.

House Joint Resolution No. 379 -- Memorials, Sports - John Hudson of Paris, NFL lineman. by *Ridgeway.

House Joint Resolution No. 380 -- Memorials, Interns - Kimaley F. Clark. by *Odom.

House Joint Resolution No. 381 -- Memorials, Interns - Mandy Eoff. by *DeBerry L.

House Joint Resolution No. 382 -- Memorials, Congratulations - Town of Cornersville on opening of new McDonald's. by *Fowlkes, *Beavers.

House Joint Resolution No. 383 -- Memorials, Academic Achievement - Scott Feather, Salutatorian, Maryville High School. by *Overbey, *McCord.

House Joint Resolution No. 384 -- Memorials, Academic Achievement - Julie Ferguson, Valedictorian, Maryville High School. by *Overbey, *McCord.

House Joint Resolution No. 385 -- Memorials, Academic Achievement - Adam Mobe, Salutatorian, Heritage High School. by *McCord, *Overbey.

House Joint Resolution No. 386 -- Memorials, Academic Achievement - David Douglas Redwine, Valedictorian, Alcoa High School. by *McCord, *Overbey.

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House Joint Resolution No. 387 -- Memorials, Academic Achievement - Shannon Wroblewski, Valedictorian, Heritage High School. by *McCord, *Overbey.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 16, 2001:

Senate Joint Resolution No. 249 -- Memorials, Professional Achievement - Michael L. Bowman, Dyersburg High School Teacher of the Year. by *Herron.

Senate Joint Resolution No. 250 -- Memorials, Interns - April Harriman. by *Wilder, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Williams.

Senate Joint Resolution No. 252 -- Memorials, Recognition - Gus's World Famous Fried Chicken and Bonner Family. by *Wilder, *Cohen.

Senate Joint Resolution No. 310 -- Memorials, Personal Achievement - Tina Wesson, Survivor of Australian Outback. by *Atchley, *Burchett, *Atchley, *Burks, *Blackburn, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 134** -- General Assembly, Directed Studies - Directs department of economic and community development to study wireless telecommunication service coverage in rural and other low-population areas. by *Cooper J, *Kurita.

House Finance, Ways and Means Committee

***Senate Joint Resolution No. 213** -- Memorials, Congress - Urges governor and congressional delegation to seek emergency appropriation of federal funds to provide cost-share assistance to mitigate damage caused by southern pine beetle epidemic. by *Burchett, *Burks.

House Agriculture Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 58** -- Sunset Laws - Tennessee higher education commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by *Harper. (HB974 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 249** -- Cemeteries - Subjects to taxation income from charitable cemetery trust for perpetual care for private cemeteries when income exceeds \$100,000 instead of \$50,000 under present law. Amends TCA Section 46-7-102 and Section 67-2-104. by *Crowe. (HB475 by *Mumpower)

***Senate Bill No. 635** -- Workers' Compensation - Removes requirement that physicians on panel of three selected by employer not be associated together in practice. Amends TCA Section 50-6-204. by *Clabough. (HB1214 by *Head, *Curtiss)

***Senate Bill No. 1112** -- Consumer Protection - Enacts "Prohibition Against Misleading and Deceptive Mailings Act." Amends TCA Title 47, Chapter 18. by *Herron. (HB1758 by *Sands, *Ridgeway, *Pinion)

***Senate Bill No. 1543** -- Historical Sites and Preservation - Transfers jurisdiction and control of Chucalissa Indian Village and Museum from University of Memphis to department of environment and conservation. by *Dixon. (HB1173 by *Cooper B, *Turner (Shelby), *Shaw, *Bowers, *Armstrong, *Jones U (Shelby), *Miller L, *Langster, *DeBerry L)

Senate Bill No. 1633 -- Fees - Increases permit fees for retail food stores, tattoo parlors, hotels, food service establishments, public swimming pools, bed and breakfasts, and organized camps over three-year period; conveys percentage of fees to state and county departments of health; creates advisory committee in regard to certain establishments. Amends TCA Title 53, Chapter 8, Title 62, Chapter 38, and Title 68, Chapters 14 and 110. by *Clabough, *Atchley. (*HB1356 by *McDaniel, *Davidson, *Kisber)

Senate Bill No. 1689 -- Insurance, Health, Accident - Expands special enrollment periods under Health Insurance Portability, Availability and Renewability Act requiring group health insurers and plans to permit employees to enroll for coverage under employer's group health insurance policy or plan when other coverage is lost, to include an employee and dependent who are no longer eligible for TennCare. Amends TCA Title 56-7-2803. by *Atchley, *Clabough. (*HB1411 by *Hargett, *Boyer)

Senate Bill No. 1750 -- Water - Sets up account as part of solid waste management fund to provide public water supply to rural areas of Tennessee. Amends TCA Title 68, Chapter 221. by *Davis L, *Rochelle, *Graves, *Burks. (*HB1500 by *McDonald)

Senate Bill No. 1887 -- Transportation, Dept. of - Requires department approval to open newly constructed or converted railroad crossings to vehicular traffic. Amends TCA Title 65, Chapter 11. by *Haun. (*HB1914 by *Newton)

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Senate Bill No. 1960 -- Appropriations - Creates continuing appropriations to service debt for state funding board, state school bond authority, local development authority, housing development agency, and public higher education entities. Amends TCA Title 9. by *Henry. (*HB1991 by *Kisber)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2011 -- Dickson -- Local Bill Held on House Desk

***House Bill No. 2012** -- Gibson County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 14, 2001**, reported the following:

JUDICIARY

The Judiciary Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 333, 1184, 1466 and 358 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Bill No. 2001 -- Henderson - Subject to local approval, revises various charter provisions. Amends Chapter 198 of the Acts of 1901; as amended. by *McDaniel. (SB1969 by *Wilder)

House Bill No. 1996 -- Alcoa - Subject to local approval, sets salary of board of education chairman at one-half mayor's salary per month, and sets salary for all other board of education members at one-half city commissioner's salary per month. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord, *Overbey.

House Bill No. 1456 -- Garnishments and Executions - Clarifies exemption of Roth IRAs from attachment, execution, or garnishment. Amends TCA Title 26, Chapter 2, Part 1. by *Kisber. (*SB1600 by *Atchley)

On motion, House Bill No. 1456 was made to conform with **Senate Bill No. 1600**; the Senate Bill was substituted for the House Bill.

House Bill No. 876 -- Industrial Development - Requires industrial development corporations to attach cost and benefit analysis to payment in lieu of taxes agreement and limits such waiver of such payments to 20-years duration. Amends TCA Title 5; Title 6 and Section 7-53-305. by *Kisber. (*SB459 by *Rochelle)

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House Bill No. 1119 -- Claims Commission, Tennessee - Extends term of office for persons serving on commission from six years to eight years. Amends TCA Title 9, Chapter 8, Part 3. by *Cole (Dyer). (*SB1538 by *Cooper J)

House Bill No. 1693 -- Agriculture - Requires manufacturers and distributors to approve or disapprove warranty claims within 30 days of receipt from dealer; deems claims approved that are not disapproved within such 30-day period. Amends TCA Title 47, Chapter 25. by *Phelan. (*SB1835 by *Davis L)

***House Joint Resolution No. 180** -- Highway Signs - "Eugene W. Greene Highway," segment of S.R. 160 in Hamblen County. by *Ford S.

House Bill No. 1333 -- Boards and Commissions - Gives board of osteopathic examiners authority to set by rule number and type of continuing education hours necessary to renew license as osteopathic physician instead of setting hours in law at 16 clock hours of formal postgraduate education in program, internship, or residency approved by board. Amends TCA Section 63-9-107. by *Armstrong. (*SB524 by *Crowe, *Dixon)

On motion, House Bill No. 1333 was made to conform with **Senate Bill No. 524**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1624** -- Aged Persons - Revises duties of commission on aging to include services to disabled persons; increases membership of commission to include executive director of Tennessee Developmental Council. Amends TCA Title 71, Chapter 2. by *Kernell, *Cooper B, *Pruitt, *Patton, *Odum, *Davis (Washington), *Montgomery, *Bowers, *Arriola. (SB1789 by *Harper, *Trail, *Burchett, *Burks)

House Bill No. 1814 -- Motor Vehicles - Authorizes, rather than requires, commissioner of transportation to demand surety bond be given before permit is issued to motor vehicle with excess weight or size. Amends TCA Section 55-7-205. by *Rinks. (*SB1391 by *Haun)

On motion, House Bill No. 1814 was made to conform with **Senate Bill No. 1391**; the Senate Bill was substituted for the House Bill.

House Bill No. 1204 -- Motor Vehicles - Requires venue for any action, arbitration, or mediation between parties or manufacturer and motor vehicle dealer to be state of Tennessee; venue to contrary cannot be waived by contract or other agreement. Amends TCA Title 55, Chapter 17. by *Buck. (*SB1415 by *Person)

On motion, House Bill No. 1204 was made to conform with **Senate Bill No. 1415**; the Senate Bill was substituted for the House Bill.

House Bill No. 901 -- Courts, Supreme Court of Tennessee - Expands supreme court's authority to assume jurisdiction over undecided case on appeal to intermediate appellate court to include cases in which application for interlocutory or extraordinary appeal is filed with intermediate court. Amends TCA Section 16-3-201. by *Buck. (*SB1434 by *Person)

On motion, House Bill No. 901 was made to conform with **Senate Bill No. 1434**; the Senate Bill was substituted for the House Bill.

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House Bill No. 893 -- Courts, Supreme Court of Tennessee - Abolishes supreme court advisory commission on criminal rules of practice and procedure and removes nine person membership restriction on supreme court advisory commission on rules of practice and procedure. Amends TCA Section 16-3-601. by *Buck. (*SB1435 by *Person)

On motion, House Bill No. 893 was made to conform with **Senate Bill No. 1435**; the Senate Bill was substituted for the House Bill.

House Bill No. 1255 -- Fiscal Review Committee - Requires staff of fiscal review committee to prepare statement for each general bill that mandates coverage of health insurance benefits; statement to include cost impact to individual policy holder or enrollee in managed health care plan and insurer, stating reasons if no estimate can be given. Amends TCA Title 3, Chapter 2, Part 1. by *Head, *Newton. (*SB987 by *Kurita)

***House Bill No. 1841** -- Victims' Rights - Requires notifying victim of rights when law enforcement officer is investigating crime. Amends TCA Section 40-38-111. by *Hargrove, *Briley. (SB1861 by *Burks, *Williams)

***House Bill No. 501** -- Motor Vehicles - Specifies that certain statutory provisions may not be cited to restrict municipality's authority and ability to regulate parking and towing of motor vehicles located within boundaries of municipality. Amends TCA Section 55-5-122. by *Odom. (SB776 by *Henry)

On motion, House Bill No. 501 was made to conform with **Senate Bill No. 776**; the Senate Bill was substituted for the House Bill.

House Bill No. 1534 -- Safety, Dept. of - Requires department to conduct promotional campaign regarding used oil collection act. Amends TCA Title 54 and Title 55. by *Odom. (*SB1461 by *Cohen)

On motion, House Bill No. 1534 was made to conform with **Senate Bill No. 1461**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 40** -- Memorials, Government Officials - Requests commissioners of environment and conservation and transportation to work with city of Memphis to reduce speed limits on roads within T.O. Fuller State Park. by *Cooper B, *Brooks.

House Bill No. 1597 -- Tennessee Wildlife Resources Agency - Clarifies and expands various citation and enforcement powers of agency relative to boating; defines court jurisdiction and procedures relative to boating and deals with vessel numbering in Tennessee. by *Bittle, *Garrett, *Sargent, *Montgomery, *McCord, *Ridgeway. (*SB1020 by *Ramsey)

House Bill No. 930 -- Sunset Laws - Department of economic and community development, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Kernell, *Brooks, *Cooper B, *Walker, *Bittle. (*SB39 by *Harper)

On motion, House Bill No. 930 was made to conform with **Senate Bill No. 39**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1071 -- Sunset Laws - Petroleum underground storage tank board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 215. by *Kernell, *Brooks, *Cooper B. (*SB69 by *Harper)

On motion, House Bill No. 1071 was made to conform with **Senate Bill No. 69**; the Senate Bill was substituted for the House Bill.

House Bill No. 1611 -- Sunset Laws - State capitol commission, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 8. by *Kernell, *Brooks, *Cooper B. (*SB127 by *Harper)

On motion, House Bill No. 1611 was made to conform with **Senate Bill No. 127**; the Senate Bill was substituted for the House Bill.

House Bill No. 2007 -- Chapel Hill - Subject to local approval, rewrites charter. Amends Chapter 493 of the Private Acts of 1921, as amended. by *Beavers, *Fowlkes. (SB1970 by *Blackburn)

***House Bill No. 2003** -- Carroll County - Pursuant to local request, revises tax rate of McKenzie Special School District. Amends TCA Chapter 533 of the Private Acts of 1917. by *Maddox. (SB1971 by *Carter)

***House Bill No. 2004** -- Carroll County - Pursuant to local request, revises operating tax rate for Bruceton-Hollow Rock Special School District by changing tax amount from amount "not to exceed \$2.00" to "\$1.62." Amends Chapter 317 of the Private Acts of 1927. by *Maddox. (SB1972 by *Carter)

House Bill No. 2008 -- Newbern - Subject to local approval, revises election dates and terms for mayor and aldermen. Amends Chapter 450 of the Acts of 1901; as amended. by *Cole (Dyer). (SB1975 by *Herron)

House Bill No. 2009 -- Pulaski - Subject to local approval, amends city charter relative to compensation of aldermen. Amends Chapter 711 of the Private Acts of 1949; as amended. by *Fowlkes. (SB1974 by *Cooper J)

House Bill No. 2010 -- Dickson County - Subject to local approval, creates Water Authority of Dickson County to replace Dickson County Water Authority; establishes membership of water authority board of commissioners. Amends Chapter 124 of the Private Acts of 1990. by *Shepard, *Ridgeway. (SB1966 by *Jackson)

House Joint Resolution No. 369 -- Memorials, Congratulations - Mia Evans, Miss TSU 2001-2002. by *Ridgeway, *Fowlkes, *White.

House Joint Resolution No. 370 -- Memorials, Retirement - Reed Brewer. by *Ridgeway.

House Joint Resolution No. 371 -- Memorials, Academic Achievement - Jason Thomas Goodrum, Valedictorian, Gateway Christian School. by *Ridgeway.

Senate Joint Resolution No. 238 -- Memorials, Academic Achievement - Clinton High School Mock Trial Team, State Champions. by *McNally, *Williams.

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Senate Joint Resolution No. 240 -- Memorials, Professional Achievement - Cordia Wilkinson Harrington, Woman Business Owner of the Year. by *Jackson, *Blackburn.

Senate Joint Resolution No. 241 -- Memorials, Public Service - Dr. Henry C. Lee, criminologist. by *Jackson.

Senate Joint Resolution No. 242 -- Memorials, Recognition - Ozle Lemuel Allen. by *Cooper J, *Haynes, *Rochelle, *Herron, *Kyle, *Cohen, *Williams.

Senate Joint Resolution No. 232 -- Memorials, Academic Achievement - Gail Zasowski, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 233 -- Memorials, Academic Achievement - Amy Nachtrab, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 234 -- Memorials, Academic Achievement - Megan Wesley Rand, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 235 -- Memorials, Academic Achievement - Holly Haworth, Salutatorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 236 -- Memorials, Academic Achievement - Tessie Harrell, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 237 -- Memorials, Academic Achievement - Heather Lodari, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 243 -- Memorials, Academic Achievement - Daniel Bowen, Valedictorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement - Kelli Renee Boyd, Co-Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement - Amanda Marie Carrington, Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement - Steven Jermaine Mitchell, Salutatorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Cashundra Nicole Jefferson, Valedictorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 248 -- Memorials, Public Service - Mayor Jon Kinsey of Chattanooga. by *Crutchfield, *Fowler, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Davis L, *Dixon, *Elsea, *Ford J, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

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Senate Joint Resolution No. 271 -- Memorials, Retirement - Lions Clubs of Tennessee. by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Rep. Williams moved that all members voting aye on Senate Joint Resolution(s) No(s). 248 and 271 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 876: by Rep. Kisber

House Bill No. 1624: by Rep. Kernell

House Bill No. 1255: by Rep. Odom

House Bill No. 1597: by Rep. Shaw

Under the rules, House Bill(s) No(s). 876, 1624, 1255 and 1597 was/were placed at the foot of the calendar for May 16, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1742 -- Building Commission, State - Authorizes commission to supervise projects involving improvement, demolition, acquisition, disposal, or lease of property by foundation created to benefit University of Tennessee or any institution of state university and community college system of Tennessee. Amends TCA Section 4-15-102. by *Kisber. (*SB1788 by *Henry)

Further consideration of House Bill No. 1742 previously considered on April 12, 2001, April 26, 2001, May 3, 2001 and May 7, 2001, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 1742 be reset for the Regular Calendar on May 23, 2001, which motion prevailed.

House Bill No. 1289 -- Health Care - Adds representative of assisted care living facility industry to board for licensing health care facilities; such person to be appointed by governor and to serve four-year term. Amends TCA Section 68-11-203. by *Arriola, *Jones, S. (*SB1580 by *Kurita)

Further consideration of House Bill No. 1289 previously considered on May 3, 2001 and May 7, 2001, at which time it was reset for today's Calendar.

Rep. Arriola requested that House Bill No. 1289 be moved to the heel of the Calendar.

***House Bill No. 1991** -- Appropriations - Creates continuing appropriations to service debt for state funding board, state school bond authority, local development authority, housing development agency, and public higher education entities. Amends TCA Title 9. by *Kisber. (SB1960 by *Henry)

On motion, House Bill No. 1991 was made to conform with **Senate Bill No. 1960**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 1960** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 90.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

Representatives present and not voting were: Black, Cooper, Sharp -- 3.

A motion to reconsider was tabled.

House Bill No. 872 – Taxes, Motor Vehicle - Requires rental car companies to collect tax on cars rented for period of sixty days or less instead of cars rented for period of 31 days or less. Amends TCA Title 67, Chapter 4, by *Kisber. (*SB338 by *Cooper J)

Rep. Kisber moved that House Bill No. 872 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 872 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1901(a), is amended by inserting in the first sentence after the language "private passenger motor vehicle" the language "or a vehicle with a maximum gross weight rating classification of Class Four (4) or under as defined by Section 55-4-113 or trailers as defined in Section 55-1-105(4)".

SECTION 2. The department of revenue shall report in writing to the house and senate finance, ways and means committees not later than September 1 of each year for the fiscal year ending June 30 concerning the revenue effects of this act.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 872**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	2
Present and not voting	9

Representatives voting aye were: Armstrong, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 82.

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Representatives voting no were: Arriola, Goins -- 2.

Representatives present and not voting were: Beavers, Black, Davis (Washington), Kernell, Mumpower, Rhinehart, Sharp, Vincent, Windle -- 9.

A motion to reconsider was tabled.

House Bill No. 867 -- Public Records - Excludes computer codes and computer access information from definition of public records. Amends TCA Section 10-7-504. by *Kisber, (*SB1473 by *Henry, *Burks)

On motion, House Bill No. 867 was made to conform with **Senate Bill No. 1473**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1473 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1473 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is hereby amended by adding the following new subsection:

(__)(1) Information that would allow a person to obtain unauthorized access to confidential information or to government property shall be maintained as confidential. For the purpose of this section, "government property" includes electronic information processing systems, telecommunication systems, or other communications systems of a governmental entity subject to this chapter. For the purpose of this section, "governmental entity" means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee. Such records include:

(A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;

(B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and

(C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.

(2) Information made confidential by this subsection shall be redacted wherever possible and nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.

(3) Documents concerning the cost of protecting government property or electronic information, and the identity of vendors providing goods and services used to protect government property or electronic information shall not be confidential.

SECTION 2. Tennessee Code Annotated, Section 10-7-504, is hereby amended by adding the following new subdivision to subsection (a):

() The credit card numbers of persons doing business with the state or political subdivision thereof, and any related Personal Identification Numbers (PIN) or authorization codes, are confidential and shall not be open for inspection by members of the public, whether this information is received by the state or political subdivision thereof through electronic means or paper transactions.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 1473**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks, Rhinehart -- 2.

A motion to reconsider was tabled.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1911 -- Tort Liability - Exempts from liability for injuries any person, corporation, organization, or business entity conducting shows, exhibitions, or sales of cattle unless gross negligence or willful or wanton conduct causes injury. Amends TCA Title 29, Chapter 34. by *Davidson. (*SB1794 by *Graves)

Rep. Davidson moved that House Bill No. 1911 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1911 By deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, chapter 34, Part 2, is amended by adding the following new, appropriately designated section:

SECTION__.

(a) As used in this section, the following terms shall have the meanings stated:

(1) "Incidental cattle sale" means the sale of cattle conducted by a person on the premises owned by the person, which sale of cattle is incidental to the person's business of raising cattle and which does not occur more frequently than three (3) times in a twelve (12) month period.

(2) "Youth cattle show" means an event for the display or sale of cattle raised by youth members of nonprofit agricultural youth leadership organizations.

(b) A person who conducts or sponsors an incidental cattle sale or youth cattle show, and a person who is the owner of cattle present at an incidental cattle sale or youth cattle show, shall not be liable for injuries caused by cattle to an attendee, unless it is determined that such injuries were proximately caused by the gross negligence or willful or wanton conduct of such person.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McCord moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1911 by deleting in Section 1 of the printed the word "cattle" and by substituting instead the language "cattle or horses" wherever it may be found.

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Rep. McDonald moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Davidson moved that **House Bill No. 1911**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	7
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Chumney, DeBerry J, Jones U, Kernell, Rhinehart, Turner (Shelby), Turner (Davidson) -- 7.

Representatives present and not voting were: Briley, McMillan, Miller -- 3.

A motion to reconsider was tabled.

House Bill No. 771 -- Workers' Compensation - Requires person with authority to enter into settlement agreement attend benefit review conference for both employee and employer or employer's insurer. Amends TCA Title 50, Chapter 6. by *Briley. (*SB273 by *Haynes)

On motion, House Bill No. 771 was made to conform with **Senate Bill No. 273**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 273 be passed on third and final consideration.

Rep. Briley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 273 By deleting the language "to the same penalty as provided under Section 50-6-238(d) for failure to comply with a specialist's order" from the amendatory language of Section 1 and by substituting instead the language "to a penalty of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00)".

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On motion, Amendment No. 1 was adopted.

Rep. Briley moved that **Senate Bill No. 273**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: McCord -- 1.

A motion to reconsider was tabled.

***House Bill No. 331** -- Judges and Chancellors - Updates procedure for electing new judges to include judges elected in 2000, 2002, 2004, and 2006. Amends TCA Title 16, Chapter 2. by *Buck. (SB1349 by *Davis L)

Rep. Buck moved that House Bill No. 331 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved that **House Bill No. 331** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

House Bill No. 135 -- Sports - Enacts "Uniform Athlete Agents Act of 2001." Amends TCA Title 49, Chapter 7, Part 21; Title 62 and Title 67, by *Head, *Todd, *Roach, *Westmoreland, *Davis (Cocke), *Arriola. (*SB22 by *Cohen, *Williams, *Cooper J, *Elsea, *Crowe, *Person, *Crutchfield, *Atchley, *Burchett, *Fowler, *Ramsey, *Rochelle, *Harper, *Haun, *Haynes)

BILL RE-REFERRED

Rep. Head moved that House Bill No. 135 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1214 -- Workers' Compensation - Removes requirement that physicians on panel of three selected by employer not be associated together in practice. Amends TCA Section 50-6-204. by *Head, *Curtiss. (*SB635 by *Clabough)

On motion, House Bill No. 1214 was made to conform with **Senate Bill No. 635**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 635 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Head moved that **Senate Bill No. 635** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	3
Present and not voting	2

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brown, Phillips, Vincent -- 3.

Representatives present and not voting were: Chumney, Kernell -- 2.

A motion to reconsider was tabled.

House Bill No. 1885 -- Hazardous Materials - Broadens unsafe material subject to certain parking restrictions on unsafe material; increases fine; requires suspension of driver license. Amends TCA Title 55. by *Towns. (*SB965 by *Ford J)

Rep. U. Jones moved that House Bill No. 1885 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

House Bill No. 1889 -- State Employees - Prohibits state departments, agencies, and employees from distributing social security numbers unless authorized by state or federal law; prohibits department of health from releasing information pertaining to person's health unless required by state or federal law. Amends TCA Title 4 and Title 68. by *Towns. (*SB971 by *Ford J)

Rep. U. Jones moved that House Bill No. 1889 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

***House Joint Resolution No. 228** -- Memorials, Congress - Urges ban of methyl tertiary butyl ether (MTBE) as fuel additive. by *Odom.

Rep. Odom moved that House Joint Resolution No. 228 be adopted.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 228 By deleting all language after the caption and by substituting instead the following:

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WHEREAS, The General Assembly of the State of Tennessee wishes the citizens of this State and of the United States to have clean water, clean air, and an environment free of toxic or otherwise harmful agents for present and future generations; and

WHEREAS, The supply of gasoline available to citizens of Tennessee and of this Nation presently contain a number of constituent compounds and additives that may pose risks to the public health and to the environment, one of which is methyl tertiary butyl ether (MTBE), an oxygenate utilized to meet the oxygen content mandates of the Clean Air Act; and

WHEREAS, A University of California study concluded that regulatory requirements significantly impacting gasoline composition may have unexpected environmental consequences; and

WHEREAS, The United States Environmental Protection Agency (U.S. EPA) has referenced a growing number of studies that have detected MTBE in drinking water supplies throughout the country; and

WHEREAS, MBTE has been detected in 47 Tennessee water supplies and was the sole contaminant in 11 of those supplies; one such supply contained MTBE in excess of the Environmental Protection Agency (EPA) warning level; and

WHEREAS, In 1996, the City of Santa Monica, California, found MTBE in two (2) of its waterwell fields; in response to the health risk, fifty percent (50%) of the city's drinking water supply was shut down, and the city had to purchase replacement water at a significant cost; and

WHEREAS, Studies have shown that MTBE is resistant to natural biodegradation; and

WHEREAS, An EPA Blue Ribbon Panel, made up of leading experts from the public health, environmental and scientific communities, fuel industry and water utilities, after a six-month investigation, recommended a phase-down in the use of MTBE, repeal of the 2 percent oxygen mandate, improvements in the nation's groundwater protection programs, maintenance of the current air quality benefits of the program, accelerated research, and that MTBE eventually be eliminated as a fuel additive; and

WHEREAS, At low levels of concentration, the smell and taste of MTBE can make water undrinkable; thus the continued use of MTBE as a fuel additive may constitute a continuing threat to the groundwater and drinking water supply of this State and of the Nation; and

WHEREAS, MTBE is present in one third of the Tennessee gasoline supply but only accounts for up to 4 percent by volume; this indicates that a phase-down of MTBE would not significantly effect the supply of gasoline; now, therefore,

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Congress of the United States is hereby urged to take action to repeal the oxygenate requirement and to phase-down the use of MTBE as a fuel additive.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be sent to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of Tennessee's Congressional delegation.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Joint Resolution No. 228**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	88
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Buttry, Vincent -- 2.

Representatives present and not voting were: Davis (Washington) -- 1.

A motion to reconsider was tabled.

House Bill No. 1523 -- Motor Vehicles - Authorizes Davidson County to set special speed limits for school entrances. Amends TCA Section 55-8-152, by *Odom. (*SB1296 by *Harper)

On motion, House Bill No. 1523 was made to conform with **Senate Bill No. 1296**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 1296 be passed on third and final consideration.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 1296** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh – 92.

A motion to reconsider was tabled.

***House Bill No. 565** -- Employees, Employers - Authorizes employer whose employee has suffered violence or credible threat of violence at employee's workplace to seek and obtain temporary restraining order and injunction prohibiting further violence or threat of violence at workplace or while employee is acting within course and scope of employment. Amends TCA Title 50 and Title 20. by *Black, *Cole (Dyer). (SB1035 by *Ramsey)

Rep. Black moved that House Bill No. 565 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 565 By adding the following subdivision to Section 2:

(5) "Labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relationship of employer and employee.

AND FURTHER AMEND by adding the following as new Section 10 and by renumbering the existing Section 10 accordingly:

SECTION 10. Nothing in this act shall be construed to apply to a labor dispute or any activity associated with a labor dispute.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bunch moved the previous question, which motion prevailed.

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Rep. Black moved that **House Bill No. 565**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1382** -- Hospitals and Health Care Facilities - Defines "facility" for purpose of health and related facility regulation. Amends TCA Title 68, Chapter 11. by *Davis (Cocke), *Ford S. (SB1659 by *Crowe, *Atchley)

Rep. Davis (Cocke) moved that **House Bill No. 1382** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes88
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1127 -- Teachers, Principals and School Personnel - Provides that estimates of specific teacher effects and other TCAP test data be provided to teachers not later than five days from end of school year; later data not to be used in teacher evaluations. Amends TCA Section 49-1-606. by *Davis (Cocke), *Hargett. (*SB188 by *Haynes)

On motion, House Bill No. 1127 was made to conform with **Senate Bill No. 188**; the Senate Bill was substituted for the House Bill.

Rep. Davis (Cocke) moved that Senate Bill No. 188 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. Davis (Cocke) moved that **Senate Bill No. 188** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 1622 -- Sunset Laws - University of Tennessee board of trustees, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9. by *Kernell, *Brooks, *Cooper B. (*SB125 by *Harper)

Rep. Kernell requested that House Bill No. 1622 be moved to the heel of the Calendar.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

House Bill No. 875 -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56, by *Kisber, *Jones, S.. (*SB333 by *Clabough)

Further consideration of House Bill No. 875 previously considered on May 10, 2001, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 875 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

House Bill No. 1289 -- Health Care - Adds representative of assisted care living facility industry to board for licensing health care facilities; such person to be appointed by governor and to serve four-year term. Amends TCA Section 68-11-203, by *Arriola, *Jones, S.. (*SB1580 by *Kurita)

Further consideration of House Bill No. 1289 previously considered on today's Calendar.

Rep. Arriola moved that House Bill No. 1289 be passed on third and final consideration.

Rep. Arriola moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1289 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-203(a), is amended by deleting the language "one (1) of whom shall be the operator of a licensed residential home for the aged;" and by substituting instead the language "one (1) of whom shall be either the operator of a licensed residential home for the aged or a representative of the assisted living industry;".

SECTION 2. Tennessee Code Annotated, Section 68-11-203(a), is further amended by deleting the following sentence:

The new member appointed to represent operators of licensed residential homes for the aged shall be appointed by the governor for a term of four (4) years.

and by substituting instead the following sentence:

Alternating appointments shall be made by the governor for the member appointed to represent either the operators of licensed residential homes for the aged or the assisted living industry. Each such term shall be four (4) years; provided that the first such alternating appointment following the effective date of this act shall be a person to represent the assisted living industry, such appointment to be made following the expiration of the term of the member currently representing operators of licensed residential homes.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Arriola moved that **House Bill No. 1289**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1622 -- Sunset Laws - University of Tennessee board of trustees, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9. by *Kernell, *Brooks, *Cooper B. (*SB125 by *Harper)

Further consideration of House Bill No. 1622 previously considered on today's Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 1622 was made to conform with **Senate Bill No. 125**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 125 be passed on third and final consideration.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

Rep. Brooks moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 125 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() University of Tennessee board of trustees, created by Section 49-9-202;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 125**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1703 — Planning, Public - Excludes unincorporated areas of Knox County from statutory provision authorizing appeals of decisions of regional planning commission regarding approval or disapproval of plat; in incorporated areas within Knox County appeals are to municipal legislative body if request is filed within 30 days of decision of regional planning commission on plat. Amends TCA Section 13-3-404(b). by *Tindell, *Bittle, *Dunn, *Buttry, *Hagood, *Armstrong. (*SB1811 by *Atchley, *Burchett)

Senate Amendment No. 1

AMEND House Bill No. 1703 by adding the following language as a new, appropriately designated section:

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Tindell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1703**, which motion prevailed by the following vote:

Ayes93
Noes1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Boyer -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 804** -- Courts, Juvenile - Creates exceptions to exclusive jurisdiction of juvenile court where case has been concluded and removed from active caseload, where case has been transferred to another juvenile, circuit or chancery court or where adoption petition filed. Amends TCA Title 36 and Title 37, Chapter 1, Part 1. by *Davidson, *Bunch. (SB1316 by *Graves)

Senate Amendment No. 2

AMEND House Bill No. 804 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103(c), is amended by adding the following language after the words "shall continue until" and before the words "a person":

the case has been dismissed, or until the custody determination is transferred to another juvenile, circuit, chancery or general sessions court exercising domestic relations jurisdiction, or until a petition for adoption is filed regarding the child in question as set out in § 36-1-116(f). However, the juvenile court shall retain jurisdiction to the extent needed to complete any reviews or permanency hearings for children in foster care as may be mandated by federal or state law. This provision does not establish concurrent jurisdiction for any other court to hear juvenile cases, but merely permits courts exercising domestic relations jurisdiction to make custody determinations in accordance with this part. Notwithstanding any other law to the contrary, transfers under this provision shall be at the sole discretion of the juvenile court and in accordance with § 37-1-112. In all other cases, jurisdiction shall continue until

SECTION 2. Tennessee Code Annotated, Section 37-1-112, is amended by deleting the word "juvenile" from the section heading.

SECTION 3. Tennessee Code Annotated, Section 37-1-112, is amended by adding the following language as a new subsection (b) and by re-designating the existing subsections appropriately:

(b) If a juvenile court proceeding is commenced under this part and a proceeding involving the child's custody is also commenced or pending in the circuit, chancery or general sessions court exercising domestic relations jurisdiction, the juvenile court, on motion of a party or on its own motion after an adjudication making specific findings of fact pursuant to § 37-1-129(a)(2) and after ordering any essential services for the child and family, may transfer the custody proceeding to the court where the pending matter has been commenced. Like transfer may be made if the residence of the child changes during the pendency of the juvenile court proceedings. The transfer shall only occur upon a finding of fact by the transferring court that the transfer will be in the best interest of the child, will promote judicial economy, will provide a more reasonable or convenient forum, or for other good cause. The transferring court may communicate with the receiving court concerning the transfer of the case. The transfer of the custody proceeding to another court exercising domestic relations jurisdiction (except to another juvenile court) shall not occur if the case involves allegations of dependency, neglect or abuse and the child is in the custody of the department of children's services.

SECTION 4. This act shall apply to any case pending or filed on or after the effective date. Any custody order which has been entered by a court exercising domestic relations jurisdiction and which is not the subject of or eligible for appeal on the effective date of this act shall be valid and is hereby declared to be in full compliance with the laws of this state.

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 804 by adding the following as a new section immediately preceding the last two sections of the bill as amended by Senate Judiciary Committee Amendment 1(Amendment 2) and by renumbering the subsequent sections accordingly:

SECTION 4. Tennessee Code Annotated, Section 37-1-112, is further amended by adding the following as a new, appropriately designated subsection at the end of the section:

(d) An appeal of a transfer decision under this part shall be to the Court of Appeals in accordance with the Tennessee Rules of Appellate Procedure.

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 804, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1562 -- Unclaimed Property - Allows Titans to dispose of lost or unclaimed personal property at Adelphia Coliseum after 180 days and give property or proceeds therefrom to 501(c)(3) charitable entity. Amends TCA Title 66, Chapter 29, Part 1. by *Briley. (*SB1725 by *Haynes)

Senate Amendment No. 1

AMEND House Bill No. 1562 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-29-115, is amended by adding the following new subsection:

(e)(1) **IF** tangible personal property is found within or on the premises of an establishment; **AND**

IF the operator of such establishment, or the operator's agent, has not contracted for the storage of such property; **AND**

IF the operator or agent retains such property for a period of one hundred eighty (180) calendar days, or more, following the discovery of such property; **AND**

IF, after the expiration of such period, the operator or agent accurately describes and reports such abandoned property to the treasurer; **AND**

IF the treasurer does not request to receive custody of such property within forty-five (45) calendar days following receipt of such report; **THEN**

Notwithstanding any provision of this chapter or any other law to the contrary, the operator or agent may donate the abandoned, tangible personal property to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code, or, alternatively, may sell the property and donate the proceeds to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code. The owner of the property shall have no right of recovery or right of action against the operator of the establishment, or the operator's agent, after the expiration of the aforementioned forty-five (45) day period.

(2) The provisions of this subsection shall not be construed to prevent or restrict the ability of parties, including landlords and tenants, to contractually establish alternative procedures for disposal of abandoned, tangible personal property.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Briley moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1562**, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

On motion of Rep. Davidson, and seconded by Rep. McDaniel, the following rules were suspended for the remainder of the 2001 Legislative Session:

Rule No. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

Rule No. 49(1): the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 49(1): the 25 bill limit for the floor calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

Rule No. 71: the 24-hour rule requiring all amendments to be placed on the members' desk;

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and automatically placed on the next Message Calendar;

Rule No. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

Rule No. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

RULES SUSPENDED

Rep. Hood moved that the rules be suspended for the purpose of introducing House Resolution No. 85 out of order, which motion prevailed.

House Resolution No. 85 -- Naming and Designating - May 15, 2001, National Peace Officers' Memorial Day in Murfreesboro. by *Hood, *Rowland, *Beavers.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hood, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. West moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 378 out of order, which motion prevailed.

House Joint Resolution No. 378 -- Memorials, Retirement - Betty Uhles. by *West.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. West, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 111: Rep(s). Williams, Hood, Windle, Davidson, Lewis, McDonald, Arriola, Newton, Pleasant, Fraley, Odom, Miller, McCord and Davis (Cocke) as prime sponsor(s).

House Bill No. 333: Rep(s). McMillan, Briley, S. Jones, Newton and Scroggs as prime sponsor(s).

House Bill No. 1460: Rep(s). Lewis and Ferguson as prime sponsor(s).

House Bill No. 1466: Rep(s). Odom and Newton as prime sponsor(s).

House Bill No. 1757: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 1758: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 1759: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 1895: Rep(s). Cole (Dyer) as prime sponsor(s).

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 252; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 360; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 604 and 1234; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

May 14, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 331, 565, 872, 1119, 1289, 1382, 1693, 1841, 1911, 1996, 2001, 2003, 2004, 2007, 2008, 2009, 2010, also, House Joint Resolution(s) No(s). 40, 180, 228, 369, 370, 371, 372 and 378.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 389; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 331 and 1289; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 912; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 581; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1738; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1517; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1607; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 285, 1645, 1743, 1762, 1897 and 1957; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 285** -- Private Protective Services - Prohibits person performing security guard or patrol service functions from representing either orally or in writing that such guard is active law enforcement officer or member of law enforcement agency. Amends TCA Title 62, Chapter 35. by *Davis L. (HB1438 by *Winningham)

Senate Bill No. 1645 -- Criminal Offenses - Increases penalty for offense of law enforcement or corrections official engaging in sexual contact with prisoner or inmate from Class A misdemeanor to Class E felony. Amends TCA Title 39, Chapter 16, Part 4 and Title 41, Chapter 21, Part 2. by *Williams, *Clabough. (*HB1368 by *Boyer, *Ford S)

MONDAY, MAY 14, 2001 – THIRTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 1743** -- Education - Authorizes LEAs to enter into contracts with non-profit organizations for courses for which no state board approved teaching endorsements exist. Amends TCA Title 49, Chapter 6, Part 12. by *Jackson. (HB1672 by *Shepard)

***Senate Bill No. 1762** -- Nurses, Nursing - Authorizes board of nursing to enter into agreements to evaluate demand, distribution, and availability of nurses in Tennessee. Amends TCA Title 63, Chapter 7. by *Kurita. (HB1795 by *Odom)

Senate Bill No. 1897 -- General Assembly - Revises duties and removes obsolete references in law establishing legislative offices. Amends TCA Section 2-3-102; Section 3-1-103; Title 3; Section 4-15-102; Section 49-9-401 and Section 49-50-603. by *Cooper J. (*HB1650 by *Davidson)

Senate Bill No. 1957 -- Naming and Designating - Names Administration Building at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of former Shelbyville Fire Chief Garland King. by *Trail. (*HB1964 by *Phillips)

MESSAGE FROM THE SENATE

May 14, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 321 and 339; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 2:00 p.m., Wednesday, May 16, 2001.